

DECISION



Transp.

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

10,618

FILE: B-194635

DATE: June 28, 1979

MATTER OF: Precision Analytical Laboratories

DIGEST:

General Accounting Office will not decide matter where material issue involved is subject to litigation before court of competent jurisdiction.

Precision Analytical Laboratories, Inc. (PAL), filed a protest with this Office concerning solicitation No. 0074-AA-65-0-9-BM issued by the District of Columbia Government (DC) for on-site laboratory urinalysis (drug detection) services for the D.C. Superior Court. The protest is the latest in a series of protests involving similar DC procurements. Pertinent history of the matter is contained in our decision, Precision Analytical Laboratories, B-188627, October 10, 1978, 78-2 CPD 262. *CNG 01273 0052*

PAL contends that DC continues to discriminate against that corporation by withholding preaward qualification test scores which, it asserts, would show PAL passed and the only other bidder, B & W Stat Laboratory, Inc. (B & W), failed. PAL alleges its bid was \$79,976 and B & W's was \$154,934, and thus it is entitled to the award.

PAL has also sought judicial relief in the District of Columbia Superior Court, Civil Action No. 4551-79. The issues before the Court are substantially the same as those raised in the protest before this Office.

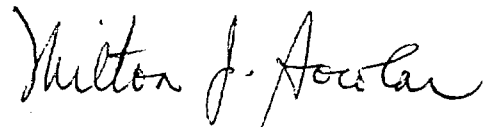
A protest will not be decided by this Office where the material issues are pending before a court of competent jurisdiction unless the court requests, expects, or otherwise expresses an interest in our decision. Donley, Richardson and Associates, B-190772, *+++++*

[MATERIAL ISSUE IN]
Protest Before a Court of Competent Jurisdiction

005739

January 10, 1978, 78-1 CPD 20; Alton Iron Works, Inc.,
B-191899, August 30, 1978, 78-2 CPD 156. We have
received nothing to indicate such judicial interest.

Accordingly, we will take no further action on the
matter.



Milton J. Socolar
General Counsel